

**ORIGINAL**U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS**FILED****JUL 16 2013**CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_ Deputy**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS**

TAMMY EATON,

)

Plaintiff,

)

v.

)

Civil Action No. 4:13-cv-00385-A

)

MIDLAND CREDIT MANAGEMENT,  
INC., MIDLAND FUNDING, LLC,  
CITIFINANCIAL, INC., EXPERIAN  
INFORMATION SOLUTIONS, INC.,  
EQUIFAX INFORMATION SERVICES,  
LLC, and TRANS UNION, LLC.,

)

Defendants.

)

**DEFENDANT EQUIFAX INFORMATION SERVICES LLC'S  
ANSWER AND DEFENSES TO PLAINTIFF'S COMPLAINT**

Defendant, Equifax Information Services LLC ("Equifax"), hereby files its Answer and Defenses to Plaintiff's Complaint ("Complaint").

**PRELIMINARY STATEMENT**

In answering the Complaint, Equifax states that it is responding to allegations on behalf of itself only, even where the allegations pertain to alleged conduct by all Defendants. Equifax denies any and all allegations contained in the headings and/or unnumbered paragraphs in the Complaint. In response to the specific allegations in the enumerated paragraphs in the Complaint, Equifax responds as follows:

**ANSWER**

1. Equifax admits that this Court has jurisdiction over this case.
2. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2.

3. Equifax admits that Plaintiff purports to bring this Complaint for damages for alleged violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (“FDCPA”), the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (“FCRA”), the Texas Finance Code and the Texas Business & Commercial Code. Equifax denies that it has violated the FDCPA, FCRA or any other law in this matter.

4. Equifax admits that it does business in the State of Texas. Equifax is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 4 and, therefore, denies those allegations.

5. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5 and, therefore, denies those allegations.

6. Equifax is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 6 and, therefore, denies those allegations.

7. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 and, therefore, denies those allegations.

8. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 and, therefore, denies those allegations.

9. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 and, therefore, denies those allegations.

10. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 and, therefore, denies those allegations.

11. Equifax admits that it is a Georgia limited liability company authorized to do business in the State of Texas.

12. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12 and, therefore, denies those allegations.

13. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 and, therefore, denies those allegations.

14. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 and, therefore, denies those allegations.

15. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 15 and, therefore, denies those allegations.

16. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16 and, therefore, denies those allegations.

17. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 17 and, therefore, denies those allegations.

18. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 18 and, therefore, denies those allegations.

19. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 19 and, therefore, denies those allegations.

20. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 20 and, therefore, denies those allegations.

21. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 21 and, therefore, denies those allegations

22. Equifax admits the allegations in Paragraph 22, but denies that it was the consumer reporting agency for Plaintiff's credit file at the time alleged in the Complaint.

23. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 23 and, therefore, denies those allegations.

24. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 24 and, therefore, denies those allegations.

25. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 25 and, therefore, denies those allegations.

26. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 26 and, therefore, denies those allegations.

27. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 27 and, therefore, denies those allegations.

28. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 28 and, therefore, denies those allegations.

29. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 29 and, therefore, denies those allegations.

30. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 30 and, therefore, denies those allegations.

31. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 31 and, therefore, denies those allegations.

32. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 32 and, therefore, denies those allegations.

33. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 33 and, therefore, denies those allegations.

34. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 34 and, therefore, denies those allegations.

35. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 35 and, therefore, denies those allegations.

36. Equifax admits that it received a dispute letter from Plaintiff on or about April 18, 2012.

37. Equifax admits that it received a dispute letter from Plaintiff on or about April 18, 2012.

38. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 38 and, therefore, denies those allegations.

39. Equifax admits that CSC Credit Services Inc. sent a reinvestigation request to Defendant Midland Credit and Defendant Citifinancial notifying them of Plaintiff's dispute.

40. Equifax admits that CSC Credit Services, Inc. sent Plaintiff the results of this reinvestigation on or about May 16, 2012.

41. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 41 and, therefore, denies those allegations.

42. Equifax denies the allegations in Paragraph 42.

43. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43 and, therefore, denies those allegations.

44. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44 and, therefore, denies those allegations.

45. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 45 and, therefore, denies those allegations.

46. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 46 and, therefore, denies those allegations.

47. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 47 and, therefore, denies those allegations.

48. Equifax denies the allegations in Paragraph 48.

49. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 49 and, therefore, denies those allegations.

50. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 50 and, therefore, denies those allegations.

51. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 51 and, therefore, denies those allegations.

52. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 52 and, therefore, denies those allegations.

53. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 53 and, therefore, denies those allegations.

54. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 54 and, therefore, denies those allegations.

55. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 55 and, therefore, denies those allegations.

56. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 56 and, therefore, denies those allegations.

57. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 57 and, therefore, denies those allegations.

58. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 58 and, therefore, denies those allegations.

59. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 59 and, therefore, denies those allegations.

60. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 60 and, therefore, denies those allegations.

61. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 61 and, therefore, denies those allegations.

62. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 62 and, therefore, denies those allegations.

63. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 63 and, therefore, denies those allegations.

64. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 64 and, therefore, denies those allegations.

65. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 65 and, therefore, denies those allegations.

66. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 66 and, therefore, denies those allegations.

67. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 67 and, therefore, denies those allegations.

68. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 68 and, therefore, denies those allegations.

69. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 69 and, therefore, denies those allegations.

70. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 70 and, therefore, denies those allegations.

71. Equifax restates and incorporates its answers and defenses to Paragraphs 1-70 as if fully set forth herein.

72. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 72 and, therefore, denies those allegations.

73. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 73 and, therefore, denies those allegations.

74. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 74 and, therefore, denies those allegations.

75. Equifax restates and incorporates its answers and defenses to Paragraphs 1-74 as if fully set forth herein.

76. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 76 and, therefore, denies those allegations.

77. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 77 and, therefore, denies those allegations.

78. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 78 and, therefore, denies those allegations.

79. Equifax restates and incorporates its answers and defenses to Paragraphs 1-78 as if fully set forth herein.

80. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 80 and, therefore, denies those allegations.

81. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 81 and, therefore, denies those allegations.

82. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 82 and, therefore, denies those allegations.

83. Equifax restates and incorporates its answers and defenses to Paragraphs 1-82 as if fully set forth herein.

84. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 84 and, therefore, denies those allegations.

85. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 85 and, therefore, denies those allegations.

86. Equifax restates and incorporates its answers and defenses to Paragraphs 1-85 as if fully set forth herein.

87. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 87 and, therefore, denies those allegations.

88. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 88 and, therefore, denies those allegations.

89. Equifax restates and incorporates its answers and defenses to Paragraphs 1-88 as if fully set forth herein.

90. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 90 and, therefore, denies those allegations.

91. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 91 and, therefore, denies those allegations.

92. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 92 and, therefore, denies those allegations.

93. Equifax restates and incorporates its answers and defenses to Paragraphs 1-92 as if fully set forth herein.

94. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 94 and, therefore, denies those allegations.

95. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 95 and, therefore, denies those allegations.

96. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 96 and, therefore, denies those allegations.

97. Equifax restates and incorporates its answers and defenses to Paragraphs 1-96 as if fully set forth herein.

98. Equifax denies the allegations in Paragraph 98.

99. Equifax denies the allegations in Paragraph 99.

100. Equifax denies the allegations in Paragraph 100.

101. Equifax restates and incorporates its answers and defenses in Paragraphs 1-100 as if fully set forth herein.

102. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 102 and, therefore, denies those allegations.

103. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 103 and, therefore, denies those allegations.

104. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 104 and, therefore, denies those allegations.

105. Equifax restates and incorporates its answers and defenses to Paragraphs 1-104 as if fully set forth herein.

106. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 106 and, therefore, denies those allegations.

107. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 107 and, therefore, denies those allegations.

108. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 108 and, therefore, denies those allegations.

109. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 109 and, therefore, denies those allegations.

110. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 110 and, therefore, denies those allegations.

111. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 111 and, therefore, denies those allegations.

112. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 112 and, therefore, denies those allegations.

113. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 113 and, therefore, denies those allegations.

114. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 114 and, therefore, denies those allegations.

115. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 115 and, therefore, denies those allegations.

116. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 116 and, therefore, denies those allegations.

117. Equifax admits that Plaintiff demands a trial by jury.

118. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 118 and, therefore, denies those allegations.

119. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 119 and, therefore, denies those allegations.

120. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 120 and, therefore, denies those allegations.

121. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 121 and, therefore, denies those allegations.

122. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 122 and, therefore, denies those allegations.

123. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 123 and, therefore, denies those allegations.

124. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 124 and, therefore, denies those allegations.

125. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 125 and, therefore, denies those allegations.

126. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 126 and, therefore, denies those allegations.

127. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 127 and, therefore, denies those allegations.

128. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 128 and, therefore, denies those allegations.

129. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 129 and, therefore, denies those allegations.

130. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 130 and, therefore, denies those allegations.

131. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 131 and, therefore, denies those allegations.

132. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 132 and, therefore, denies those allegations.

133. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 133 and, therefore, denies those allegations.

134. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 134 and, therefore, denies those allegations.

135. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 135 and, therefore, denies those allegations.

136. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 136 and, therefore, denies those allegations.

137. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 137 and, therefore, denies those allegations.

138. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 138 and, therefore, denies those allegations.

139. Equifax denies the allegations contained in Paragraph 139.

140. Equifax denies the allegations contained in Paragraph 140.

141. Equifax denies the allegations contained in Paragraph 141.

142. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 142 and, therefore, denies those allegations.

143. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 143 and, therefore, denies those allegations.

144. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 144 and, therefore, denies those allegations.

145. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 145 and, therefore, denies those allegations.

Any allegation contained in Plaintiff's Complaint not specifically responded to by Equifax is hereby denied. Equifax further denies that Plaintiff is entitled to any of the relief set forth in her prayer for relief.

#### **DEFENSES**

Without assuming the burden of proof where it otherwise rests with the Plaintiff, Equifax pleads the following defenses to Plaintiff's Complaint:

#### **FIRST DEFENSE**

Plaintiff's Complaint fails to state a claim against Equifax upon which relief can be granted.

**SECOND DEFENSE**

Plaintiff's damages, if any, were not caused by Equifax, but by another person or entity for whom or for which Equifax is not responsible.

**THIRD DEFENSE**

To the extent Plaintiff's Complaint seeks the imposition of punitive damages, Equifax adopts by reference the defenses, criteria, limitations, standards and constitutional protections mandated or provided by the United States Supreme Court in the following cases: *BMW v. Gore*, 517 U.S. 559 (1996); *Cooper Indus., Inc. v. Leatherman Tool Group, Inc.*, 532 U.S. 923 (2001); *State Farm v. Campbell*, 538 U.S. 408 (2003) and *SAFECO Insurance Co. of America v. Burr*, 551 U.S. 47, 127 S. Ct. 2201 (2007).

**FOURTH DEFENSE**

Plaintiff's claim for punitive damages is barred by the provisions of 15 U.S.C. §1681n.

**FIFTH DEFENSE**

Equifax was not the consumer reporting agency for Plaintiff's credit file at the times alleged in the Complaint.

**SIXTH DEFENSE**

The Complaint is barred by the fault and negligence of other persons or entities and plaintiff's damages, if any, should be apportioned according to the principles of comparative negligence.

**SEVENTH DEFENSE**

Equifax reserves the right to plead additional defenses that it learns of through the course of discovery.

**WHEREFORE**, having fully answered or otherwise responded to the allegations contained in Plaintiff's Complaint, Equifax prays that:

- (1) Plaintiff's Complaint be dismissed in its entirety and with prejudice, with all costs taxed against Plaintiff;
- (2) That Equifax be dismissed as a party to this action;
- (3) That this lawsuit be deemed frivolous and Equifax recover from Plaintiff its expenses of litigation, including but not limited to attorneys' fees pursuant to 15 U.S.C. § 1681n(c) and 15 U.S.C. § 1681o(b);
- (4) That Equifax requests a jury trial of all matters properly tried by a jury; and
- (5) That Equifax recover such other and additional relief, as the Court deems just and appropriate.

Dated: July 15, 2013

Respectfully submitted,

KING & SPALDING LLP



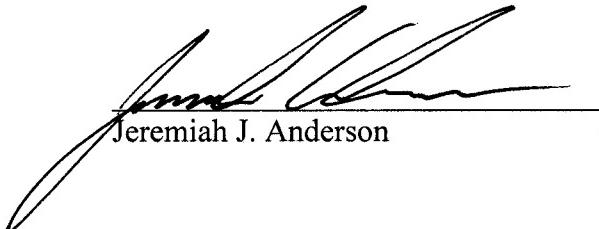
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Fax: 713-751-3290

**CERTIFICATE OF SERVICE**

I hereby certify that on July 15, 2013, I served a true and correct copy of the foregoing to counsel of record as follows via certified mail, return receipt requested:

Jeff Wood  
McClendon & Milligan  
103 N. Goliad, Suite 204  
Rockwall, TX 75087

Attorneys for Plaintiff



Jeremiah J. Anderson